



08/492,943
UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/492,943 06/21/95 NAUGLE

EXAMINER

B3M1/0115
VINCENT B INGRASSIA
MOTOROLA INC
INTELLECTUAL PROPERTY DEPARTMENT
P O BOX 10219
SCOTTSDALE AZ 85271-0219

ART UNIT	PAPER NUMBER
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DATE MAILED:

01/15/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 6/21/95
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-7 and 9-10 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7 and 9-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The proposed drawing correction, filed on 6/21/95 is ☒ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

Art Unit: 2302

15. Claims 1-7 and 9-10 are presented for examination.

16. The continuation-in-part declaration is incomplete. It does not state to acknowledge the duty to disclose material information as defined in title 37 CFR 1.56 which occurred between the filing date of the prior application and the National PCT International filing date of this application.

17. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention and failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

Applicants did not teach the details of the method as claimed in claims 1-7 and 9-10, e.g., applicant did not teach details of the structures or means which performed determination of the process status, details of how a process which determined the process status interfaced with the received email or for that matter details of a process which receives emails querying process status and this process in response interfacing with another process which determines the process status. In Unix system an operator may type "ps" and the operating system returns a table

Art Unit: 2302

showing all the processing running on that computer, e.g., as shown on page 6 of the application. But this is done manually by the operator. The operator may receive an email from a person who asks him about the status of the processes and the operator may type the "ps" command and read from the table and capture that information into a file and then attach that file to a mail message which responds to the received email inquiry. These could all be done by a computer operator manually. If applicant invented a process which automated all these steps then it is incumbent for the applicant to disclose details of these program steps. The present application is written in a brief magazine article fashion. It lacks the detailed teachings as required by the first paragraph of 112. Thus, it would require repeated undue experimentation for one of ordinary skill in the art at the time of the invention to determine details of all the above mentioned steps for automatically performing remote process monitoring. Also, the claims recite in the preamble that the method for remote monitoring of computers on a network is done by using software capability of the computer operating system. A computer operator may use the computer operating system command "ps" to determine the status of the processes. But, examiner is unaware of any UNIX operating system command which performs an interface between the email and the "ps" command. Moreover, applicant failed to teach details of how the comparing with a list is accomplished as claimed in claim 3 and 10 and details of how automatic activation of remote paging was accomplished and details of how heterogeneous systems were interface to each other for accomplishing the email remote monitoring as claimed in claim 10. All these features only exist in the claims and there is no detailed teaching in the specification showing how these are

Art Unit: 2302

accomplished. A good example for the applicant to observe an enabling patent is the one which will be used below in 103 rejection, i.e, Quan (5,230,051). The difference between that teaching and this application is crystal clear for one of ordinary skill in the computer network art. This application lacks detailed teachings.

The examiner contends that it would require many repeated undue experimentation for one of ordinary skill in the art to make and use the claimed invention for the reasons set forth herein above. Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

18. Claims 1-7 and 9-10 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

19. The following is a quotation of 35 U.S.C. § 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2302

20. Claims 1-7 and 9-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Quan in view of well known features of network monitoring art.

21. Quan (5,230,051) taught the invention substantially as claimed including a system for monitoring a computer network having a plurality of computers which are communicating with each other through Messaging (col 3) and the system having a monitoring function for monitoring status of the processes and reporting to a bulletin board system status of the processes (e.g., see column 4 (line 37) through column 6 (line 40).) Moreover, Quan taught querying the Bulletin board for determining the status of the processes on the remote computer (e.g., see column 5 (lines 24-28.) It would have been obvious to one of ordinary skill in the art at the time of the invention that the claimed invention only differs from Querying of the bulletin board taught by Quan by degree. As far as reporting to a beeper service is concerned, it is no more than an obvious variation of process monitoring and reporting to the bulletin board.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on all days of the week from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, , can be reached on (703)305-9702 . The fax phone number for this Group is (703) 305-9564.

Serial Number: 08/492,943

Page 6

Art Unit: 2302

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

1/14/96

Mehmet B. Geckil

MEHMET B. GECKIL
PRIMARY EXAMINER
GROUP 2300